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EXAMINER	
FISHER, PAUL R	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/617,904	BHANDARKAR ET AL.	
	Examiner	Art Unit	
	PAUL R. FISHER	3689	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 December 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-8,10,12-15 and 17-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-8,10,12-15 and 17-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *11 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Amendment received on December 17, 2008 has been acknowledged. Claims 2, 9, 11, and 16 have been canceled. Claim 25 has been added. Claims 1, 3-8, 10, 12-15, and 17-25 are currently pending and have been considered below.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 3-8, 10, 11-15, 17-25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The newly added limitation of "but that does not include business partner attributes" in claims 1, 18 and 19, is considered new matter since it can not be found in the applicant's specification.

4. The newly added limitation of "subsequent to selecting the first business partner" is considered new matter since it can not be found in the applicant's specification. It is not clear from the applicant's specification that attributes are updated upon selecting a first business partner.

5. The newly added limitation of "subsequent to modifying the attribute and without recompiling the compiled business process application" is considered new matter since

it can not be found in the applicant's specification. It is not clear from the applicant's specification that there is a second selection made after a modification to the attributes in a separate list.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1, 3-8, 10, 11-15, 17-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. In claims 1, 18 and 19, the recited limitation of "but that does not include business partner attributes", renders the claims indefinite. It is unclear to the Examiner what is meant by this newly recited limitation. Does the selection criteria contain attributes or does it contain place holders for attributes? The Examiner is taking this limitation to mean that the business process application includes a template for performing searches. Where the template has place holders to search for specific attributes.

9. In claims 1, 18 and 19, the recited limitation of "subsequent to selecting the first business partner, updating an attribute of the first business partner" renders the claim indefinite. It is unclear to the Examiner what attribute is being updated, and why this attribute is being updated since a selection has already been made. It is also unclear as to if this is a new attribute or the previously mentioned attribute?

10. In claims 1, 18, and 19, the recited limitation of "subsequent to modifying the attribute and without recompiling the compiled business process application, the

business process execution engine utilizing the selection criteria in the compiled business process application and the updated attribute in the separate list to select the first business partner;" renders the claim indefinite. It is unclear to the Examiner what is meant by this limitation. Is the first business partner the same business partner that was originally chosen? If it is the same one why did the attribute need to be updated and who did the update? The recitation of first business partner is also confusing is there more then one business partner?

11. In claim 25, the recited term "implemented with", renders the claim indefinite. It is unclear to the Examiner if this means that the business process execution engine was created using XLANG or it was simply implemented along with an XLANG Scheduler Engine. For purposes of examination the Examiner is reading it be implemented along with an XLANG Scheduler.

12. Claims 3-8, 10, 12-15, 17, 24 and 25, depend from claim 1 and are therefore rejected on the same rationale.

13. Claims 20-23, depend from claim 19 and are therefore rejected on the same rationale.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

15. **Claims 1, 3, 4, 6, 7, 10, 12, 13, 14, 15, 17,18-22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dworkin (4,992,940), in view of Rossides (5,359,508)**.

In regards to the claims the Examiner asserts that engine is defined as:

A core piece of software around which other features and functions are built. A database search engine, for example, accepts user input and handles the processing necessary to find matches between the user input and the database records.

http://www.tiscali.co.uk/reference/dictionaries/computers/data/m0051225.html.

From this the Examiner asserts that the engine being referred to is similar to a search engine in that the software is used to match user input to a database file.

The Examiner further asserts that a compiler is defined as:

Computer program that translates programs written in a high-level language into machine code (the form in which they can be run by the computer). The compiler translates each high-level instruction into several machine-code instructions- in a process called compilation- and produces a complete independent program that can be run by the computer as often as required, without the original source program being presented.

Different compilers are needed for different high-level languages and for different computers. In contrast to using an interpreter, using a compiler adds slightly to the time needed to develop a new program because the machine-code program must be recompiled after each change or correction. Once compiled, however, the machine-code program will run much faster than an interpreted program.

http://www.tiscali.co.uk/reference/dictionaries/computers/data/m0034174.html.

From this the Examiner asserts that a compiled program is one that has been previously written and then through the use of a compiler has been translated into a separate program to be run. The applicant has stated in the specification page 1, paragraph 2 that to avoid recompiling of the program the information will not be hard coded or directly put into the program code itself.

As per claims 1, 18, and 19, Dworkin discloses a method, system and computer program for a business process execution engine, (Col. 3,lines 48-59; disclose that the system contains program code used to match search criteria to items sold by suppliers) a computer implemented method for dynamically managing business partners in a system that includes a business process application and with requiring the business process application to be modified or recompiled, (Col. 10, lines 46-53; disclose that the system allows for the supplier information to be updated through the use of a database rather then being hard coded or programmed directly into the program source code this means that the searching program itself would not have to be recompiled at any time)

the system comprising:

a processor (Col. 3, lines 60-62);

memory (Figure 1, Col. 3, lines 6—68, Col. 4, lines 30-34; disclose that the computer is programmed to run searches of the stored vendor information);

the method comprising:

the business process execution engine accessing a compiled business process application that includes selection criteria for selecting business partners but that does

not include business partner attributes, the selection criteria indicating attributes that a business partner is to include to match the selection criteria (As best understood by the Examiner this limitation is referring to a template that must be filled out by the user in order to search for a match, and while it does not include the attributes themselves it does include the titles for those attributes such as price, or product requested. Col. 5, lines 43-50; discloses that the system incorporates the use of templates or questionnaires which would allow the user to search the vendors based on specific attributes the template and the database full of vendor information are separated from each other and the template is used to search the database for a match.)

the business process execution engine accessing a separate list of business partner attributes for a plurality of business partners, each business partner including at least one attribute (Col. 3, lines 48-59, Col. 4, lines 25-29, Col. 7, lines 37-53 and Col. 10, lines 46-53; disclose that the system contains a list or database of business partner attributes or vendors each with there own attributes);

the business process execution engine utilizing the selection criteria in the compiled business process application to select a first business partner from the separate list, the first business partner having an attribute that matches the selection criteria (Col. 6, lines 11-37; discloses through the use of the template the user is given matches and is even given the lowest price among all the vendors).

subsequent to selecting the first business partner, updating an attribute of the first business partner in the separate list such that the attribute update is made without modifying the compiled business process application (As best understood by the

Examiner this limitation is referring to the ability to update the business partner or vendor attributes Col. 10, lines 46-53; discloses that the system operator or the vendors themselves can update their information);

upon selecting the first business partner, notifying the first business partner of the selection (Col. 8, lines 25-37; discloses that once the business partner is selected they are notified of the selection);

Dworkin fails to explicitly disclose where the program makes the final selection.

Rossides, which talks about data collection and retrieval system for registering charges and royalties to users, teaches subsequent to modifying the attribute and without recompiling the compiled business process application, the business process execution engine utilizing the selection criteria in the compiled business process application and the updated attribute in the separate list to select the first business partner (Figure 2; discloses a system where the product name or selection criteria is entered and then without user involvement the lowest price is found and that supplier is automatically selected. Col. 9, lines 21-30; disclose that the LPL or lowest price locator is used to find the list of stores and prices associated with the product name it finds the store with the lowest price and that store is automatically selected, from this it is shown that the database would be run again and this time the updated information would be used if a lower price is found that price would be used since the purpose of the system is to find the lowest possible price for a product);

Rossides, further teaches that the business process execution engine utilizing the selection criteria and the updated attribute to automatically and without user

intervention select the second business partner such that the second business partner is selected by the business process execution engine and not by the user (Figure 2; discloses a system where the product name or selection criteria is entered and then without user involvement the lowest price is found and that supplier is automatically selected. Col. 9, lines 21-30; disclose that the LPL or lowest price locator is used to find the list of stores and prices associated with the product name it finds the store with the lowest price and that store is automatically selected, from this it is shown that the database would be run again and this time the updated information would be used if a lower price is found that price would be used since the purpose of the system is to find the lowest possible price for a product).

Therefore, from this teaching of Rossides, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the automated selection of equipment for purchase through input of user provided by Dworkin, with the automatic selection of a supplier taught by Rossides, for the purpose of providing the user with the lowest price for their desired product. Dworkin already shows that the system calculates the lowest price and the average price based on the information stored in the database and does this for every search to ensure that the information is updated. It would have been obvious to use the automatic supplier selection based on lowest price taught by Rossides to achieve the goal of arriving at the lowest cost as set forth in Dworkin.

As per claim 3, Dworkin discloses wherein the at least one attribute comprises identifying information (Figure 7; discloses that the user can see information on the supplies such as supplier name, where the partner is construed to be the supplier).

As per claim 4, Dworkin discloses wherein the at least one attribute comprises selection information (Figure 8; discloses the information based on the selection including the product manufacturer, model number, type, speed, and comments about the selection).

As per claim 6, Dworkin discloses wherein the at least one attribute comprises custom business partner data (Figure 7; discloses that the user can see custom information on the supplier under the field of comments of the supplier as well as the supplier name and supplier number).

As per claim 7, Dworkin discloses different document formats (Col. 4, lines 21-24; discloses that the user can place an order using mail, electronic mail, and facsimile). It is old and well known in the art at the time of then invention to identify a preferred document format if the vendor has a specific way they would like to receive the purchase order. Since the invention disclosed by Dworkin has the ability to display and identify custom pieces of information from the vendor (Figure 7; discloses the comments of the supplier where the supplier could display the request for a specific preferred document format) it would be obvious to display a request for a specific document format.

As per claim 10, Dworkin discloses while running the business process application, binding instances of a business partner variable to the partner (Col. 8, lines

30-33; discloses that each order is provided with a transaction number which binds the instance of the search in this case a particular product sold by a particular vendor for a set price with a number that will allow both the vendor and the user access to the information on the exact order).

As per claim 12, Dworkin discloses adding an additional business partner to the plurality of business partners in the separate list without modifying the compiled business process application (Col. 10, lines 46-53; discloses that the operator of the system can update all of the information regarding the information stored in the database which would entail the management of business partners which are construed to be suppliers. This management would include the addition of new suppliers).

As per claim 13, Dworkin discloses deleting a business partner from the plurality of business partners in the separate list without modifying the compiled business process application (Col. 10, lines 46-53; discloses that the operator of the system can update all of the information regarding the information stored in the database which would entail the management of business partners which are construed to be suppliers. This management would inherently include the deletion of new suppliers).

As per claim 14, Dworkin discloses wherein the adding or deleting is performed by a business partner (Col. 10, lines 46-53; discloses that the operator of the system or the suppliers themselves can update all of the information regarding the information stored in the database which would entail the management of business partners which are construed to be suppliers. This would include modifying the attributes of business partners).

As per claim 15, Dworkin discloses wherein the update is provided by a business partner (Col. 10, lines 46-53; discloses that the system can also be programmed to allow direct access, by suppliers, to the database, so that the suppliers themselves can update their information whenever necessary).

As per claim 17, Dworkin discloses wherein the at least one attribute comprises price information (Figure 7; discloses that each supplier has a set price for each item being sold, Col. 10, lines 46-53; discloses that each supplier would be able to modify their own information which would include the prices of their products).

As per claim 20, Dworkin discloses wherein the at least one attribute comprises contact information (Col. 4, lines 21-24; disclose that the system will contact the supplier showing that the system stores the contact information of the supplier, where the partner is construed to be the supplier).

As per claim 21, Dworkin discloses wherein the at least one attribute comprises price information (Figure 7; discloses that each supplier has a set price for each item being sold).

As per claim 22, Dworkin discloses different document formats (Col. 4, lines 21-24; discloses that the user can place an order using mail, electronic mail, and facsimile). It is old and well known in the art at the time of then invention to identify a preferred document format if the vendor has a specific way they would like to receive the purchase order. Since the invention disclosed by Dworkin has the ability to display and identify custom pieces of information from the vendor (Figure 7; discloses the comments of the supplier where the supplier could display the request for a specific preferred

document format) it would be obvious to display a request for a specific document format.

As per claim 24, Dworkin discloses wherein the compiled business process application is an executable file that is executed by the business process execution engine (an executable file is defined as a computer file containing a program that is ready to be run or be carried out; "executable file." *Webster's New Millennium™ Dictionary of English, Preview Edition (v 0.9.7)*. Lexico Publishing Group, LLC. 05 Jul. 2008. <Dictionary.com http://dictionary.reference.com/browse/executable file>. Col. 4, lines 30-44; disclose that the file is a computer file and it is executed from the definition of an executable file the program being run in Dworkin is an executable file as are all computer programs that are run).

16. **Claims 5, 8 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dworkin (4,992,940) in view of Rossides (5,359,508), in view of Singh (US2001/0047311A1)**.

As per claim 5, the combination Dworkin and Rossides teaches the above-enclosed invention, but fails to disclose the use of digital certificates.

Singh, which talks about a method for communicating, collaborating and transacting commerce via a communication network, teaches wherein the at least one attribute comprises a digital certificate (Paragraph 0041; teaches that for security reasons buyers and suppliers will log on to the site and post orders while providing a digital certificate to ensure that user is valid).

From this teaching of Singh, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system for finding a supplier of a product provided by the combination of Dworkin and Rossides with the use of digital certificates taught by Singh, for the purpose of ensuring that the users of the system are valid and that the transactions safe.

As per claim 8, Dworkin discloses different document formats (Col. 4, lines 21-24; discloses that the user can place an order using mail, electronic mail, and facsimile). It is old and well known in the art at the time of then invention to identify a preferred document format if the vendor has a specific way they would like to receive the purchase order. Since the invention disclosed by Dworkin has the ability to display and identify custom pieces of information from the vendor (Figure 7; discloses the comments of the supplier where the supplier could display the request for a specific preferred document format) it would be obvious to display a request for a specific document format.

Dworkin fails to disclose where the document format comprises an extensible markup language schema also known as XML.

Singh, which talks about a method for communicating, collaborating and transacting commerce via a communication network, teaches wherein the document format comprises an extensible markup language schema (Paragraph 0043; teaches that the data can be formatted according to an internet protocol-compliant language such as HTML or XML or the like).

From this teaching of Singh, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system for finding a supplier of a product provided by the combination of Dworkin and Rossides with the use of XML formatting taught by Singh, for the purpose of providing the user a web based alternative to mail or e mail. The use of XML and HTML for the purposes of ordering products online became more widely used after the time of the Dworkin invention and would be an obvious improvement to the system.

As per claim 23, Dworkin discloses different document formats (Col. 4, lines 21-24; discloses that the user can place an order using mail, electronic mail, and facsimile). It is old and well known in the art at the time of then invention to identify a preferred document format if the vendor has a specific way they would like to receive the purchase order. Since the invention disclosed by Dworkin has the ability to display and identify custom pieces of information from the vendor (Figure 7; discloses the comments of the supplier where the supplier could display the request for a specific preferred document format) it would be obvious to display a request for a specific document format.

Dworkin fails to disclose where the document format comprises an extensible markup language schema also known as XML.

Singh, which talks about a method for communicating, collaborating and transacting commerce via a communication network, teaches wherein the document format comprises an extensible markup language schema (Paragraph 0043; teaches

that the data can be formatted according to an internet protocol-compliant language such as HTML or XML or the like).

From this teaching of Singh, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system for finding a supplier of a product provided by the combination Dworkin and Rossides with the use of XML formatting taught by Singh, for the purpose of providing the user a web based alternative to mail or e mail. The use of XML and HTML for the purposes of ordering products online became more widely used after the time of the Dworkin invention and would be an obvious improvement to the system.

17. **Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dworkin (4,992,940) in view of Rossides (5,359,508) as applied to claim 1 above, further in view of Businessline: "In a web of e-services" (May 8, 2002) hereafter Businessline**.

As per claim 25, the combination of Dworkin and Rossides teaches the above-enclosed invention, but fails to explicitly disclose wherein the business process execution engine is implemented with an XLANG Scheduler Engine.

Businessline, which talks about various technologies, teaches that XLANG is known to be used in web services (Page 1, paragraph 3, Page 2, paragraphs 12-13; teach that XLANG is used to automate a business process based on Web services and that it is used to perform complex undo operations. Since this technology is used in web services, it would have been obvious to use it with the business process execution

engine as disclosed by the combination Dworkin and Rossides to assist in automation and undo operations).

Therefore, from this teaching of Businessline, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system for finding a supplier of a product provided by the combination of Dworkin and Rossides with the use of XLANG as taught by Businessline, for the purpose of assisting in automation and complex undo operations as suggested in Businessline.

Response to Arguments

18. Applicant's arguments filed December 17, 2008 have been fully considered but they are not persuasive.

19. In response to the applicant's argument that, "a business process, as used in the specification, is a term of art that refers to a process of a web service such as a process defined in the business process execution language," the Examiner respectfully disagrees. The term business process can be taken in different ways and has not be been clearly defined in the applicant's specification. Limiting the claims to a specific technology specifically BPEL is improper since there is no support for this technology in the applicant's specification. While there is reference to XLANG, there is no support for BPEL and as admitted by the applicant on page 9 of the current arguments "XLANG is a web service orchestration language that was created by Microsoft and has been superseded by BPEL", and therefore XLANG and BPEL are **not the same** and BPEL can not be read into the claims, since there is no disclosure for this technology.

Further business process execution engine is not the same as business process. Nor is executable business processes the same as business process. The mentioned terms “executable business process”, “business process execution engine”, “business partners”, “XLANG Scheduler Engine” and “Orchestration Designer” fail to describe the term “business process” since there is no clear redefining of the term “business process” there is no support for limiting to a narrow definition as suggested by the applicant. None of these terms describes what a business process is. All they refer to is that a program is used to design and execute a business process not what a business process itself is. The Examiner requests the applicant to show where in the specification it specifically says what a business process is and what it does. Simply saying a program is used to run a business process is not enough to redefine the term in such a narrow scope. Thus one of ordinary skill would not know to read business process in using this interpretation, and only one of skill in the art, specifically only those who work with BPEL may probably know what a business process is.

20. In response to the applicant’s argument that the limitations “but that does not include business partner attributes,” “subsequent to selecting the first business partner”, and “subsequent to modifying the attribute and without recompiling the compiled business process application” are supported by the specification, the Examiner respectfully disagrees. The Examiner does not find the cited paragraphs to show the limitation "but that does not include business partner attributes” and the limitation does not explicitly appear or implicitly appear in the applicants specification. The applicant has ignored the new matter rejection, and has even stated on page 10 of the arguments

dated December 17, 2008, "The other two rejected limitations contain language that does not explicitly appear in the specification." The Examiner asserts that the burden is placed on the applicant to ensure that the claimed invention is fully supported by the originally filed specification. It is not the Examiners responsibility to assume what the applicant meant to include in the specification and as clearly explained in the MPEP 35 U.S. C. 112 the burden is placed on the applicant to provide a disclosure that would allow any person skilled in the art to carry out the applicant's specification. Plainly put, the applicant is required to ensure that all relevant information that is part of their invention is in the specification and not to add limitations (regardless of how important it is to the invention) that are not fully supported or taught by the specification. The Examiner recommends that if the applicant decides to continue the prosecution of the invention by providing limitations that are not part of the originally filed disclosure, a continuation in part (CIP) should be filed. However, the applicant is reminded that any information that will be added will not benefit from the filling date of the current disclosure.

21. In response to the applicant's argument that, "none of the cited references addresses business processes, and therefore the combination of Dworkin, Rossides, and Singh fails to teach or suggest a method for dynamically managing business partners in a system that includes a business process application and without requiring the business process application to be modified or recompiled when partner attributes are changed," the Examiner respectfully disagrees. As stated previously and copied below the Examiner disagrees with this statement and asserts that the cited references

do in fact read over the claims as currently written. The Examiner asserts that the provided remarks are improper. It is asserted that the applicant has failed to provide any explanation of how the prior art fails to disclose the claimed invention.

The applicant argues that Oracle fails to disclose the claimed invention. However, Oracle was never used as part of the rejection. To bring out an outside reference, such as what has been currently done, is simply improper and does not address the provided rejection.

Moreover, the Examiner also asserts that the rejection is not moot as suggested by the applicant. The applicant has not provided any amendments or arguments to make the rejection moot, especially because the applicant argues a reference that was not even part of the rejection. The applicant can traverse the rejection, but can not simply say that it is moot based on the provided remarks.

The following is the Examiner's response to the arguments made in the last rejection, which have not been responded to by the applicant, included for reference. Further note, the rejections under 35 U.S.C. 112 are maintained since applicant's current remarks and amendments do not over come the previous and current rejections.

22. In response to applicant's argument that, "Each of Dworkin, Rossides, and Singh fails to disclose a business process as described above. Therefore, each reference fails to teach or suggest the limitations of the independent claims which require the execution of a business process" the Examiner respectfully disagrees. The Examiner asserts that the claims as currently written are directed toward a search engine for matching a user request to a list of vendors. The other information regarding the BPEL

and the website listed by the applicant is not found in detail in the applicant's specification and is not found in the claims as currently written and is therefore not read into the limitations of the claims. For the above reasons the Examiner finds the cited art to read over the claims as currently written and finds the combined references of Dworkin, Rossides, and Singh to be equivalent to the business process as described in the claims.

23. In response to the applicant's argument that, "the references do not disclose a business process, they fail to teach or suggest "the business process execution engine accessing a compiled business process application that includes selection criteria for selecting business partners but that does not include business partner attributes, the selection criteria indicating attributes that a business partner is to include to match the selection criteria," "subsequent to selecting the first business partner, updating an attribute of the first business partner in the separate list such that the attribute update is made without modifying the compiled business process application," and "subsequent to modifying the attribute and without recompiling the compiled business process application, the business process execution engine utilizing the selection criteria in the compiled business process application and the updated attribute in the separate list to select the first business partner," as claimed in combination with the remaining limitations" the Examiner respectfully disagrees. The Examiner asserts the recited references used in the above rejection teach these recited limitations.

24. In response to the applicant's argument that, "prior art approaches included the business partner attributes in the business process, and as a result, each time the

attributes were updated, the business process had to be recompiled" the Examiner respectfully disagrees. The attributes that are stored in the Dworkin reference are stored in a database not in the searching program itself. Since the attributes are stored in a database they are not hard coded into the program itself and therefore do not require the program to be recompiled at any time. As shown above compiler is a piece of software which translates higher level programming languages into an executable code. A database is not an executable file but rather a collection of data which is searched by the program.

25. In response to the applicant's argument that, "Because each of the cited references does not address business processes, each is unrelated to this problem and to the presently claimed invention" the Examiner respectfully disagrees. As stated on page 1, paragraph 2 of the applicant's specification the invention is directed to ordering supplies. The Dworkin reference is directed toward the ordering of products and the fulfillment of those orders through a matching system. For at least this reason the Examiner asserts that the recited prior does address business processes, and relates directly to this problem and is directed toward the claimed invention.

Conclusion

26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL R. FISHER whose telephone number is (571)270-5097. The examiner can normally be reached on Mon/Fri [7:30am/5pm] with first Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janice Mooneyham can be reached on (571)272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PRF

/Tan Dean D. Nguyen/
Primary Examiner, Art Unit 3689
3/12/09